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OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

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November 9, 2001

Barbara Anne Sousa, Regulatory Counsel  
Verizon Massachusetts  
185 Franklin Street, Room 1403  
Boston, MA 02110-1585

RE: D.T.E. 01-33; Request for Waiver of NeuStar's Denial of Verizon  
Massachusetts= Request to Return a Thousands-Block the Company Donated in  
Error

I. INTRODUCTION

In July 2001, Verizon Massachusetts (AVerizon@) donated the 413-354-0 block to the industry pool created for the thousands-block pooling trial (ATNP trial@) in the 413 NPA. After donating the block, Verizon discovered that the 413-354-0 block contained a Public Service Answering Point (APSAP@) number used to route E911 calls, and therefore should not have been donated.<sup>1</sup> On July 9, 2001, Verizon notified the Massachusetts Interim Pooling Administrator, NeuStar, Inc. (ANeuStar@) of the error and requested that the block be returned.

NeuStar denied Verizon's request because Verizon had more than a six month inventory of numbers remaining in the Chester rate center from which the block was donated. On October 30, 2001, Verizon submitted a letter to the Department of Telecommunications and Energy (ADepartment@) requesting that the Department overturn NeuStar's denial of Verizon's request.

II. ANALYSIS AND FINDING

NeuStar denied Verizon's request because Verizon did not meet the Federal Communications Commission's (AFCC@) months-to-exhaust requirement. Pursuant to 47 C.F.R.

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<sup>1</sup> If the block containing the PSAP is assigned to another carrier, E911 calls from the Chester rate center will be routed to the new assignee, not to the PSAP.

' 52.15(g)(3)(iii),

All service providers shall maintain no more than a six-month inventory of telephone numbers in each rate center or service area in which it provides telecommunications service.

The Department has the authority to review NeuStar's denial of number requests pursuant to 47 C.F.R. ' 52.15(g)(3)(iv), which reads in relevant part:

The carrier may challenge [NeuStar's] decision to the appropriate state regulatory commission. The state regulatory commission may affirm or overturn [NeuStar's] decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein.

The instant request is different from the waiver requests previously addressed by the Department in the Verizon Harvard Letter Order (June 19, 2001), the Verizon Partners Letter Order (July 9, 2001), and the Verizon UMass Letter Order (August 16, 2001). In those prior cases, the end-users requested full exchange codes ending in a specific digit in order to support expansion and maintain uniform, 5-digit internal dialing, but the North American Numbering Plan Administrator (NANPA) denied Verizon's requests because Verizon did not meet the six months-to-exhaust requirement. The Department found that the denials presented competitive concerns, in that the end-users would be forced to seek service from an alternate carrier if they could not get the numbers they needed from Verizon.

In the matter before us, Verizon seeks a Department waiver not in order to obtain the numbering resources necessary to serve a specific customer, but in order to rescind a block donation made in error, when the block in question contains a number used for public safety. NeuStar has informed the Department that it is receiving many requests to rescind block donations from carriers participating in Massachusetts number pooling trials; carriers are apparently donating blocks that should not be donated for technical reasons, as well as continuing to assign numbers to end-users from donated blocks. NeuStar ceased rescinding block donations when the number of such requests became unmanageable, and now requires any carrier requesting the return of an erroneously-donated block to demonstrate compliance with the FCC's six months-to-exhaust requirement or receive a waiver from the Department.<sup>2</sup>

While the Department is aware that a number of TNP trials have been rolled out in

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<sup>2</sup> Staff conversation with Gary Zahn, NeuStar Pooling Administration, on October 31, 2001.

Massachusetts in a relatively short period of time, the Department is concerned that the effectiveness of these trials will be compromised if end-users are put out of service or if public safety is endangered due to carriers' administrative errors during block identification and donation. Carriers are strongly cautioned that they should exercise diligence when identifying blocks for donation, because rescinding a block donation is a poor remedy. If a donated block is assigned to another carrier before the donor carrier realizes its mistake, it may be impossible to rescind the donation in time to avoid interruptions in service for end-user customers, and rescinding block donations creates administrative burdens on the Pooling Administrator even when it is possible to rescind the donation in time.

For these reasons, under ordinary circumstances, a carrier's request for waiver based on its own administrative error will be denied by the Department.

However, because the donated block at issue here contains a PSAP number, some affirmative action is needed to prevent the assignment of the block to another carrier and the resultant loss of E911 service in the Chester rate center. Therefore, the Department grants Verizon's request for waiver in part, by directing NeuStar to hold the 413-354-0 block in the pool for Verizon until Verizon meets the six months-to-exhaust requirement in the Chester rate center. At that time, Verizon can request the block from NeuStar. In the meantime, the block will be set aside and not assigned to any carrier; Verizon will remain the codeholder of record in the Local Exchange Routing Guide (ALERG®), and E911 calls placed within the Chester rate center will continue to route properly to the PSAP. Thus, public safety will remain uncompromised and NeuStar will return the block to Verizon when Verizon has fully complied with the FCC's exhaust requirements.

### III. ORDER

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Accordingly, after due consideration, Verizon's request for waiver is granted in part, and NeuStar is directed to hold the 413-354-0 block in the pool for Verizon pending Verizon's satisfaction of the FCC's six months-to-exhaust requirement.

By the Commission,

\_\_\_\_\_/s/\_\_\_\_\_  
James Connelly, Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
W. Robert Keating, Commissioner

\_\_\_\_\_/s/\_\_\_\_\_  
Paul B. Vasington, Commissioner

\_\_\_\_\_/s/\_\_\_\_\_  
Eugene J. Sullivan, Jr., Commissioner

\_\_\_\_\_/s/\_\_\_\_\_  
Deirdre K. Manning, Commissioner

cc: D.T.E. 01-33 service list